

Anderson et al.
Serial No.: 09/880,019
Page 5 of 7

Remarks/Arguments

In response to the Rejection mailed January 14, 2004, Applicants have amended canceled the pending claims in favor of new claims 55-66 and present the following remarks. For the examiner's convenience, claim 55 is somewhat similar to previous claim 4, claim 56 is somewhat similar to previous claim 5, claim 57 is somewhat similar to previous claim 7, claim 58 is somewhat similar to previous claim 50, claim 59 is somewhat similar to previous claim 52, and claims 61 is somewhat similar to previous claim 55.

Claims 1-9 and 46-54 were rejected under 35 USC 112, second paragraph, as being indefinite by claim 1 being unclear as to whether or not the agents of interest are immobilized on the fiber. While clear before, the present claim language makes it even clearer they are so immobilized. Claim 6 was noted to be allegedly unclear as to what constitutes "most of the fibers." This language is not presently included in the rewritten claims and therefore the point is moot. Claim 46, 53 and 54 was also considered unclear as to "a detectable number". This language is also not present in the rewritten claims and therefore this point is also moot. Likewise for any alleged confusion between one or two agents in or on each fiber and a lack of antecedent basis for such.

All of the claims were provisionally rejected for reasons of obviousness-type double patenting over three copending related patent applications.

It should be noted that USSN 09/482,460 has now issued as U.S. Patent 6,713,309. The rejection should no longer be considered "provisional". Applicants request this issue be delayed until resolution of all other matters. Upon indication that the above pending claims are otherwise allowable, applicants shall provide the appropriate terminal disclaimer.

Claims 1, 3, 6, 8, 9, 46, 47, 49, 53 and 54 were rejected under 35 USC 102(e) as being anticipated by Stimpson.

While Stimpson is not prior art as stated in the file history of the parent patent application, now U.S. Patent 6,713,309, the above amendment attempts to recite non-controversial patentable issues in order to facilitate a rapid allowance. Most of the present claims contain language found in claims **NOT** being rejected over Stimpson. The remaining

Anderson et al.
Serial No.: 09/880,019
Page 6 of 7

present claims contain one of two other recitations. The recitation in claim 60 of biological cells being immobilized or the recitation in claim 66 of a cross-section of less than about 50 microns thick.

Stimpson immobilized compounds only in their structures. Biological cells are not compounds and biological cells of any type for immobilization are not mentioned. Furthermore, Stimpson absorbs his "binding compounds" in a microporous sheet having "pore sizes from 0.008 micron up to 5 micron". This is clearly not appropriate for biological cells that may be considerably larger than the pores and thus not adsorbable. Therefore, Stimpson never taught immobilizing biological cells. Therefore claim 60 is patentable over Stimpson.

As for claim 66, Stimpson slices sections "to give arrays 0.2-1 mm thick." Stimpson Example 3 states that "Arrays as thin as 0.2 mm were cut..." but the quality apparently deteriorated because the array cutting was described in Example 3 as "not uniformly". The present claim recitation of 50 microns (or less) is less than one fourth as thick. Furthermore, the present specification examples prefer to use slices much thinner than even the 50 microns claimed.

The other claims recite features found in previous claims, which were not rejected over Stimpson and apparently indicated to be free of the prior art. Accordingly, this rejection should be withdrawn.

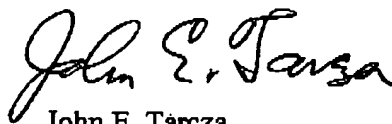
Claims 2, 48 and 51 were rejected under 35 USC 103 as being unpatentable over Stimpson. While the examiner considers the exact number of fibers in the fiber bundle to be obvious, this aspect of the present invention is not presently being claimed above. For all of the reasons given above, the rejection over Stimpson under section 103 is also overcome and likewise should be withdrawn.

In view of the amendments and comments above, the rejections have been overcome. Reconsideration, withdrawal of the rejections and early indication of allowance are respectfully requested. If any issues remain, the examiner is encouraged to telephone the undersigned.

Anderson et al.
Serial No.: 09/880.019
Page 7 of 7

If needed, applicants petition for an extension of time under the provisions of 37 CFR 1.136(a) for sufficient time to accept this response. The commissioner hereby is authorized to charge payment of any fees under 37 CFR § 1.17, which may become due in connection with the instant application or credit any overpayment to Deposit Account No.500933.

Respectfully submitted,



John E. Tarcza
Reg. No. 33,638

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John E. Tarcza
Intellectual Property Advisor
Large Scale Biology Corporation
20451 Seneca Meadows Parkway
Germantown, MD 20876
301-354-1223
301-354-1300 Fax.
E-MAIL john.tarcza@lsbc.com